

Notice of Allowability

Application No.

10/617,695

Examiner

Adrienne C. Johnstone

Applicant(s)

MINAMI ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 14 July 2003.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/505,896.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 071403
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

Adrienne C. Johnstone
Primary Examiner
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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, drawn to a tubeless pneumatic tire, classified in class 152, subclass 510.
 - II. Claims 6-11, drawn to a method of manufacturing a tubeless pneumatic tire, classified in class 156, subclass 133.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as one in which the carcass ply topping rubber layers are formed by a step other than calendering such as extrusion or other coating (process steps in article claim given weight only to the extent that they require some structural difference in the article).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Robert Goozner on September 20, 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-5. Claims 6-11 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

6. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/505,896, filed on July 24, 1995.

Examiner's Amendment

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the title

The title has been changed to TUBELESS PNEUMATIC TIRE WITH CARCASS,
HAVING BUTYL-BASED INNER TOPPING RUBBER LAYER.

In the specification

p. 1, the insert before the first line of the specification has been rewritten to update the continuing data and to eliminate the improper cross-reference to the foreign priority documents as --

This application is a division of US Patent Application No. 09/640,005, filed August 17, 2000, now US Patent No. 6,598,646, which is a division of US Patent Application No. 09/245,856, filed February 8, 1999, now US Patent No. 6,148,889, which is a division of US Patent Application

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No. 08/897,639, filed July 21, 1997, now US Patent No. 5,971,049, which is a division of US Patent Application No. 08/505,896, filed July 24, 1995, now US Patent No. 5,688,343, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120.

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In the claims

claim 1 line 17, to correct a typographical error "subrace" has been changed to -- surface -- ;

claims 6-11, non-elected without traverse as noted above, have been cancelled.

Reasons for Allowance

8. The following is an examiner's statement of reasons for allowance: Peterson et al. (2,798,526) disclose an example of the prior art tire similar to the claimed tire but without the particular carcass arrangement of the innermost carcass ply turned up around the bead core outwardly from inside to outside and an outer carcass ply turned up around the bead core inwardly from outside to inside and covering the turned-up portion of the innermost carcass ply; although such a carcass arrangement is known in order to prevent displacement of the carcass around the bead cores, as evidenced by Grabau (1,584,284) for example, in the Peterson et al. tire this would result in the butyl-based topping rubber on the inner surface of the innermost carcass ply being covered by the diene-based topping rubber of the outer carcass ply and this would not be an obvious modification to one of ordinary skill in the art due to the difficulty in bonding butyl-based rubber to diene-based rubber acknowledged by Peterson et al. (col. 1 line 22 - col. 2 line 13). The prior art of record fails to disclose or suggest applicants' tire, including the combination of the particular carcass ply topping rubber, inner liner, and carcass ply arrangement, in the claimed environment.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571) 272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

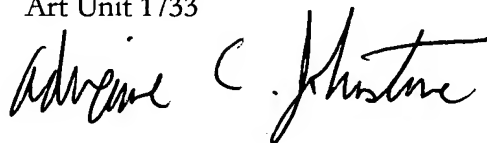
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne Johnstone

September 29, 2005

Adrienne C. Johnstone
Primary Examiner
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A handwritten signature in black ink, appearing to read "Adrienne C. Johnstone", written in a cursive style.